



05-11620 WGY

Referred to MJ R B Collings

You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves.

Abraham Lincoln

Paid for by the Hornblower Campaign Committee.

July 24, 2005

Discrimination on Complaint too the Board of Health of the Commonwealth of Massachusetts.

As the Complainant in vain has tried too stop the pollution of property owned by him and his two sisters. As of May 20, 04 A R.T.C.O. Act was mentioned in Worcester Superior Court by Both Psychiatrist, Dr hand for the State of Massachusetts and Dr. Kenneth Adlman from Westboro State Mental Hospital for the Plaintiff. So the Judge presiding said there would be an investigation into this Claim.

Where the Plaintiff Was at Bridge Water State Hospital then Transferred too the Westboro State Mental Hospital I was in Fear for My life and Would Like compensation for the Harassment I have with stood from all parties involved.

The neighbor Jack's Used Auto Parts owned by Peter Foley and Sons. Has been using the Plaintiff's property were as he can not for the same purpose to Run an Auto Salvage Yard

Jack's is also Using it as a Landfill since 1989. Just too Mention it I was in Business Before Jack's Used Auto Came too this area.

The Town and State Conservation Dept. Town and State Health Dept. knows that Jack's is operating a Auto Salvage Business into Wet Land and Getting Away with it. While they give me the heave Ho.

Mr. Kinney the Commissioner of Building The Billerica Police one to Question Office Lt Detective Richard Howe he Plays the important part in the P.I.C.O. Act. I caught him escorting a load of debris onto my property thru Jack's gate after hours.

Conflicting Interest in Complaints listed Civil Docket # MICO 2002-02731 and Civil Docket # MICO 2002-01437

Civil Docket # MICO 2002-02731-1

Town of Billerica et al Rivet et al Which States I'm in Contempt of Court. But im my Case of Civil Complaint # MICO 2002 - 01437

Vernon S Rivet Jr vs Peter Foley and Sons AKA Jack's Used Auto Parts.

That Jack's Used Auto Parts is

Trespassing on my property and doing what they want with my property all the while the Town and State look the other way.

So I decide to Make a Complaint to The Massachusetts Board of Health on this Issue. I spend from May 11, 04 thru March 29, 05 in Mental Hospital owned by the State. For What reason. I Do Not Think they know either. Why so Long To Cover up For the Big Dig, and othe officials

I lived in fear of my life those Two Years. For trying to stop Pollution.

It was Only to be for 20 Day Observation I was given Medication Against my Will and it has ruined me.

Also Upon leaving The Billerica House of Correction the end of Aug 98 thru Oct 01 I could not enter my property this I feel was an act of Land Piracy done by Peter Foley and Sons and the Town of Billerica. This can be seen on the aerial Photos of the

Land. Peter Foley and Sons AKA
Jack's Used Auto Parts. is still using
the Land and I can not stop them.
Judge says I need a Certificate of
Service. I supplied all the right
papers to the proper places. For A
law Suit too Stop this Action.

And now I have no choice because
my two sisters have forced the sale of
the Land by the Probate Court, and
they helped in the R.I.C.O. Act by
being in agreement of the Blocking of
the Right of Way with Lt Detective
Richard Howe of the Billerica Police
as being there friend, at said time.

Who I caught escorting a load of
Debris onto my property thru Jack's
Gate. And the Town want the property
cleaned up this is not right at all.

This action is a Clear Case of a
R.I.C.O. Act in Motion, for the Complaint
Issued and the Complaints ignored

And give gratification to a business
which I feel is run unsafe and has
had a person killed on the property.

Where abouts this person was killed
I Would like too know for if it was on

the property in which he is in occupancy is mine. Then the people doing the Law Suit Against Jack's might lose on a Technicality and that I might be at fault, for not preventing his Trespass onto my property. Which he refuses to leave. And the Town ignores my Complaint. And I did Two years In the State Mental Hospitals for the Complaint I Brought to The Massachusetts Board of Health.

Now before my stay in the Hospitals I had Brought onto the property some Junk Auto's they were to be Used as Dumpsters from the Demolies from the Big Dig. The Town would not allow me to clean it up this way.

Now if you look at the plot Plan of the area of Jack's Used Auto Part it is Located onto Wetlands. But I'm forced out of Business by this RICO Act of Motions Against Me Vernon S Rivet Jr and I must include my deceased Father Vernon S Rivet Sr. He paid for a Junk license and was refused.

I live in the house of the Baby sisters of Jack's when they were young.

They don't Want Me to do this
law shit either.

But I have every Right to
protect my Land and My life
And My Business. I do not like
What has happened at all.

Sincerely Vernon S Rivet Jr.
Vernon S Rivet Jr.

Judy Wyman is Guardian ad litem
617-457-4019 State Appointed.

Vernon S Rivet Jr.

P.O. Box 69

N. Billerica. 01862

My Person too TELEphone
in this Matter is Mr. Tim Bubby
he is my contact person by Phone
For Reasons above. He filed paper
for me while I was in States so
Called Care Cell 978-314-8206
978-663-9714

Also I have the phone # for one Peter
Salvucci who was the one who dumped
the debris from the Big Dig onto my
property.

#1 Dixie Lane
Chocorua, NH 03817

Land Court Department
Old Courthouse Pemberton Square
Boston, MA 02108

Vernon Rivet
63 Carlisle Rd
Bedford, Ma 01730

To Whom It May Concern:

I am writing this letter to inform the Land Court that after contacting Al Potter who has no fixed address and is the individual who did the cleanup for Jack's Junkyard on Town Farm Lane, N. Billerica, MA in 1996. He informed me that Jack's Junkyard was ordered by Vernon Rivet Sr. & Jr. the owners of Vern's Junkyard to remove all items belonging to Jack's Junkyard from their property. Since that time Jack's Junkyard has not complied with this verbal agreement. So I have decided to file a lawsuit against them for failing to remove their property from my premises. This lawsuit is for 20,000 dollars a month from 1996 to present and also for lost wages due to the fact I could not access my own 37 acres of property from August of 1998 thru October of 2001. And Also as of today still Have Trouble Access too 60' Town Farm Lane Right of Way As Designated by Town of Billerica Land maps. Also the destruction of Two Business Signs and the theft of Trap Rock too prevent Road erosion of down hill slope of Roadway too Vern's Junkyard. There is a Scattering of Debris for about 5 Acres that is not natural.

Al Potter of Ossipee NH.
Albert Potter

Vernon Rivet of Chocorua NH.

Vernon Rivet

Donna Moulton

JANNA MOULTON, Notary Public
My Commission Expires August 9, 2005



From The Desk Of Daniel Rivet

I Daniel Rivet while attending the wake of my Uncle Vernon Rivet Sr. in July of 1997. I was approached by A man Who I did not know. He Greeted me and told me his name was Fred Salvucci. He proceeded to say to me. That he and his two sons where the ones that got my Uncle involved in the dumping at the Vern's Auto Parts. And that he was sorry he did this. I have know idea why the man admitted this information too me. But I feel it is important to tell this to my cousin Vernon S. Rivet Jr. For all the trouble he has gone thru on this issue of the "Big Dig". Dumping on the property of the Junk Yard "Vern's Auto Parts".

Sincerely : Daniel Rivet

Dan Rivet
P.O Box 157
Philips, Me,
04699



Vernon Rivet
63 Carlisle Rd
Bedford, Mass,
01730

CIVIL DOCKET# MCV2002-02731

RE: **Billerica et al v Rivet Jr et al**

TO: Vern S Rivet Jr
Town Farm Lane
P.O. Box 69
North Billerica, MA 01862

NOTICE OF JUDGMENT ENTRY

This is to notify you that a judgment in the above referenced action has been entered on the docket. A copy of the judgment is attached.

Dated at Lowell, Massachusetts this 23rd day of January, 2003.

Edward J. Sullivan,
Clerk of the Courts

BY:.....

Michael Brennan
Assistant Clerk

Telephone: 978-453-0201

Commonwealth of Massachusetts

County of Middlesex

The Superior Court

CIVIL DOCKET# MICV2002-02731

Town of Billerica,
Milton H Kenny Building Inspector
vs
Vern S Rivet Jr,
Patricia Travaglia,
Deborah L Rivet

17

ORDER FOR JUDGMENT

This action came on before the Court, Thomas P. Billings, Justice, presiding, and upon consideration thereof,

It is ORDERED and ADJUDGED:

The Defendant, Vern S. Rivet, is adjudged to be in Contempt of the provisions of paragraph 3 of this Court's Injunction dated July 8, 2002 in this proceeding.

The Town is hereby authorized to enter-or to retain an appropriately licensed contractor as its agent to enter-upon the three Defendants' property on Town Farm Lane, during daylight hours, and remove and dispose of the automobiles and automobile parts referred to in paragraph 3 of the Court's Injunction of July 8, 2002.

All reasonable charges for removal, transportation, storage, and/or disposal shall become the obligation of the Defendant, Vern S. Rivet, Jr. The Town may, if it seeks reimbursement of any such charges, submit duly authenticated receipts or other documentation of all charges incurred, together with a Motion that Judgment enter against the Defendant, Vern S. Rivet, Jr., in the amount of the charges, and/or (if something less than a final judgment is appropriate) for prejudgment security (for example, an attachment on Defendant's interest in the Town Farm Lane property).

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

Dated at Lowell, Massachusetts this 23rd day of January, 2003.

Entered: January 23, 2003.

Edward J. Sullivan,
Clerk of the Courts

Approved as to Form:

Battle Court

Bellings

.....
Justice of the Superior Court

By: *Michael M. Brennan*.....
Assistant Clerk

Copies mailed 01/23/2003

CIVIL DOCKET#: MCV2002-02731-L

RE: Billerica et al v Rivet Jr et al

TO: Vern S Rivet Jr
Town Farm Lane
P.O. Box 69
North Billerica, MA 01862

NOTICE OF DOCKET ENTRY

You are hereby notified that on 01/23/2003 the following entry was made on the above referenced docket:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR JUDGMENT OF CONTEMPT (which see). ORDER FOR JUDGMENT: The Defendant, Vern S. Rivet, is adjudged to be in contempt of the provisions of paragraph 3 of this Court's injunction dated July 8, 2002 in this proceeding. The Town is hereby authorized to enter-or to retain an appropriately licensed contractor as its agent to enter-upon the three defendants' property on Town Farm Lane, during daylight hours, and remove and dispose of the automobiles and automobile parts referred to in paragraph 3 of the Court's Injunction of July 8, 2002. All reasonable charges for removal, transportation, storage, and/or disposal shall become the obligation of the Defendant, Vern S. Rivet, Jr. The Town may, if it seeks reimbursement of any such charges, submit duly authenticated receipts or other documentation of all charges incurred, together with a Motion that Judgment enter against the Defendant, Vern S. Rivet, Jr., in the amount of the charges, and/or (if something less than a final judgment is appropriate) for prejudgment security (for example, an attachment on Defendant's interest in the Town Farm Lane property). (Thomas P. Billings, Associate Justice), dated January 23, 2003 and entered January 23, 2003. copies mailed 1/23/03.

Dated at Lowell, Massachusetts this 23rd day of January, 2003.

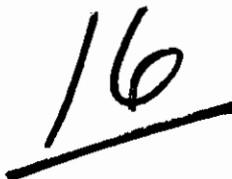
Edward J. Sullivan,
Clerk of the Courts

BY: Michael Brennan
Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 02-2731


TOWN OF BILLERICA

vs.

VERN S. RIVET, JR. and others¹

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER FOR JUDGMENT OF CONTEMPT**

At an evidentiary hearing on January 21, 2003 I took testimony and documentary evidence on the Town's complaint for contempt against defendant Vern S. Rivet, Jr. (herein, the "defendant" singular. The co-defendants are his sisters and co-owners of the property in question, but were not subjects of the contempt proceedings). The Town was represented by counsel; the defendant appeared *pro se*.

FINDINGS OF FACT

On the basis of the credible evidence, I make the following findings of fact.

1. The Town filed the original Complaint in this action following two cease-and-desist notices pertaining to property on Town Farm Lane, dated April 16, 2002 and May 22, 2002, the former addressed to all three owners and the later to defendant Vern Rivet.
2. On July 8, 2002 the Court (Gants, J.) entered a preliminary injunction. It provided, in pertinent part:

[T]he defendant Vern Rivet, J. ("Mr. Rivet"), pending final adjudication of this case, is ORDERED forthwith to:

¹Patricia Travaglia and Deborah L. Rivet.

3. No later than August 9, 2002, remove all "junk" automobiles and automobile parts that have been dumped on his property since January 1, 2002, including but not limited to the roughly 25 automobiles described in the April 16, 2002 letter to him from Mr. Kinney, Inspector of Buildings.^[2]
4. The defendant by his own admission has not removed or arranged for the removal of any automobiles since the date of the injunction, except that one auto has been removed (for reasons which he left unspecified, but which, I infer, were not related to the injunction). No parts have been removed except as noted in footnote 2 (again, for reasons unrelated to the injunction). The defendant has not contacted the town's zoning enforcement officer or its Board of Health or Conservation Commission regarding compliance with the order. In fact, so far as appears in the record before me, he has done nothing whatsoever to comply.
5. The defendant testified that he has been quoted \$60 per vehicle for removal and disposal of the vehicles, and stated in general terms that he is financially unable to effect the removal of the automobile and parts. He did not introduce any evidence concerning his income or capital assets, however.
6. There is presently snow on the ground. The defendant testified that this fact will impede any effort to remove the vehicles. I do not credit this testimony, however, but

²The injunction also required the defendant to cease and desist from operating the property as an automobile salvage or junk yard; cease and desist from dumping automobiles, construction debris, and hazardous waste thereon; and permit the Inspector of Buildings to access the property, without advance notice and during specified hours. There was no evidence that the defendant has violated the injunction in any of these particulars, with the arguable and minor exception that some parts may have been removed during 2002 from autos stored on the property, either by their owners or for sale. This testimony was non-specific as to time, however, and so the Town has not proven a violation of the injunction in this respect.

rather credit the testimony of Mr. Kinney, the Commissioner of Buildings, that a four-wheel drive vehicle is able to navigate the property without difficulty, and I infer that the vehicles can in fact be removed at this time.

CONCLUSIONS OF LAW

The defendant Vern Rivet's failure to remove the automobiles and parts specified in paragraph 3 of the July 8, 2002 injunction constitutes "a clear and undoubted disobedience of a clear and unequivocal command" of the Court. Stabile v. Stabile, 55 Mass. App. Ct. 724, 726 (2002). He therefore is adjudged to be in contempt of that injunction.

The task before me, therefore, is to fashion an order calculated "to achieve compliance with the court's order[] for the benefit of the complainant." Furtado v. Furtado, 380 Mass. 137, 141 (1980). As noted above, the defendant claims he is financially unable to effect removal of the cars and parts, but introduced no evidence as to his financial condition. He also testified that the vehicles cannot be removed because of snow, but I do not credit this testimony. The defendant therefore has not "show[n] that he is unable to comply." See Sodones v. Sodones, 366 Mass. 121, 130(1974).

A civil contempt remedy is therefore appropriate, and will issue in accordance with the Order for Judgment, below. I pause here to explain the reason for the sanction imposed. The Town urges, "reluctantly" but forcefully, that the sanction imposed include incarceration. The circumstances – particularly, the egregiousness of the contempt and the public interest in achieving speedy compliance, at the defendant's expense if at all feasible – are such that I have given this option serious consideration. I have considered carefully a remedy that would provide that the defendant has a stated period (for example, 30 days) to effect the removal himself; that if he has not done so in that time, that he will then be incarcerated; that the Town may then perform the removal, at the

defendant's expense; that the defendant will be released by a date certain (for example, in 60 days) or when the removal has been accomplished, whichever is sooner; and that the Town's claim for reimbursement will be a lien on the property, by way of attachment if the case has not been fully adjudicated, by execution if it has been.

There are at least two flaws with this approach. One is that incarceration for civil contempt is meant to give the contemnor the keys to his own prison, i.e., to enable him to effect his release by complying with the order. The order outlined above really would put the keys in the Town's hands, not the defendant's, since the date of the defendant's release would depend on when the removal of the autos and parts was completed; his own ability to effectuate this would be significantly impaired; and he would therefore, practically speaking, be dependent on the Town's energies. This would be a situation of the defendant's own making, but better avoided nonetheless.

A still more serious objection to any sanction involving incarceration is that the defendant proceeded at the contempt trial *pro se*, and the Court did not offer him appointed counsel or have him interviewed as to indigency. Although no reported Massachusetts case has addressed the issue, "the overwhelming majority of courts around the country have held that due process requires the appointment of counsel for indigents in civil contempt proceedings if they are sentenced to imprisonment." Rutherford v. Rutherford, 296 Md. 347, 464 A.2d 228 (1983); *accord*, Russell v. Armitage, 166 Vt. 392, 697 A.2d 630 (1997). Cf. Furtado, 380 Mass. at 142 (right to counsel attaches to *criminal* contempt proceeding "if a sentence of imprisonment may be imposed").

Particularly where the efficacy of incarceration in the circumstances of this case is at least open to serious question, I think it best to err on the side of caution, and not order incarceration. The

order below reflects my best judgment as to how to achieve compliance with the July 8 injunction, while still complying with constitutional commands.

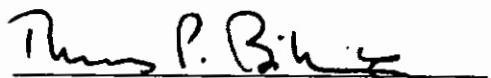
One more observation. The present proceedings are narrow in scope, and adjudicate only the defendant's contempt of the July 8 order and the remedy therefor. Even that Order was preliminary only. This Order cannot, and is not intended to, supplant whatever other remedies the Town may have for whatever violations of law it may prove.

ORDER FOR JUDGMENT

The defendant, Vern S. Rivet, is adjudged to be in contempt of the provisions of paragraph 3 of this Court's injunction dated July 8, 2002 in this proceeding.

The Town is hereby authorized to enter – or to retain an appropriately licensed contractor as its agent to enter – upon the three defendants' property on Town Farm Lane, during daylight hours, and remove and dispose of the automobiles and automobile parts referred to in paragraph 3 of the Court's injunction of July 8, 2002.

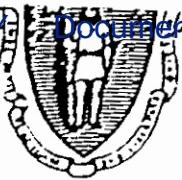
All reasonable charges for removal, transportation, storage, and/or disposal shall become the obligation of the defendant Vern S. Rivet, Jr. The Town may, if it seeks reimbursement of any such charges, submit duly authenticated receipts or other documentation of all charges incurred, together with a motion that judgment enter against the defendant Vern S. Rivet, Jr. in the amount of the charges, and/or (if something less than a final judgment is appropriate) for prejudgment security (for example, an attachment on defendant's interest in the Town Farm Lane property).



Thomas P. Billings, Associate Justice

Dated: January 23, 2003

Entered: January 23, 2003

(978)
Area Code 45081459-41

LOWELL DIVISION

41 Hurd Street

Lowell, Massachusetts 01852

August 16, 2004

Date

John Morris Billerica Board of v. Vernon Rivet Jr.
Plaintiff/Plaintiff Health Defendant

0411 HR 0596
Court #

ES WHOSE INTEREST APPEARS OF RECORD IN THE ABOVE CITED
E HEREBY NOTIFIED THAT THE PROCEEDINGS, PREVIOUSLY
FOR HEARING ON May 28, 2004
RESCHEDULED.

HEARING IS NOW SCHEDULED FOR HEARING ON:

August 27, 2004 AT 9:30 a.m.
Hearing Date Time

ES, ATTORNEYS, AND OTHER NECESSARY PERSONS MUST APPEAR
AT THE TIME INDICATED, PREPARED TO GO FORWARD.

NEIL J. WALKER, ESQ., FIRST JUSTICE

on S Rivet Jr
arlisle Road
ord, MA

JUDGMENT OF

DISMISSAL UNDER STANDING ORDER 1 - 88

n came on before the Court, pursuant to Standing Order 1-88, and it
that service of process has not been completed upon the defendant(s)
below, it is ORDERED and ADJUDGED that the complaint is hereby
, without prejudice, with respect to said defendant(s).

oley and Sons Jack's Auto Parts,

ement may be vacated only by the Regional Administrative Justice (or designee).

28th day of January, 2003.

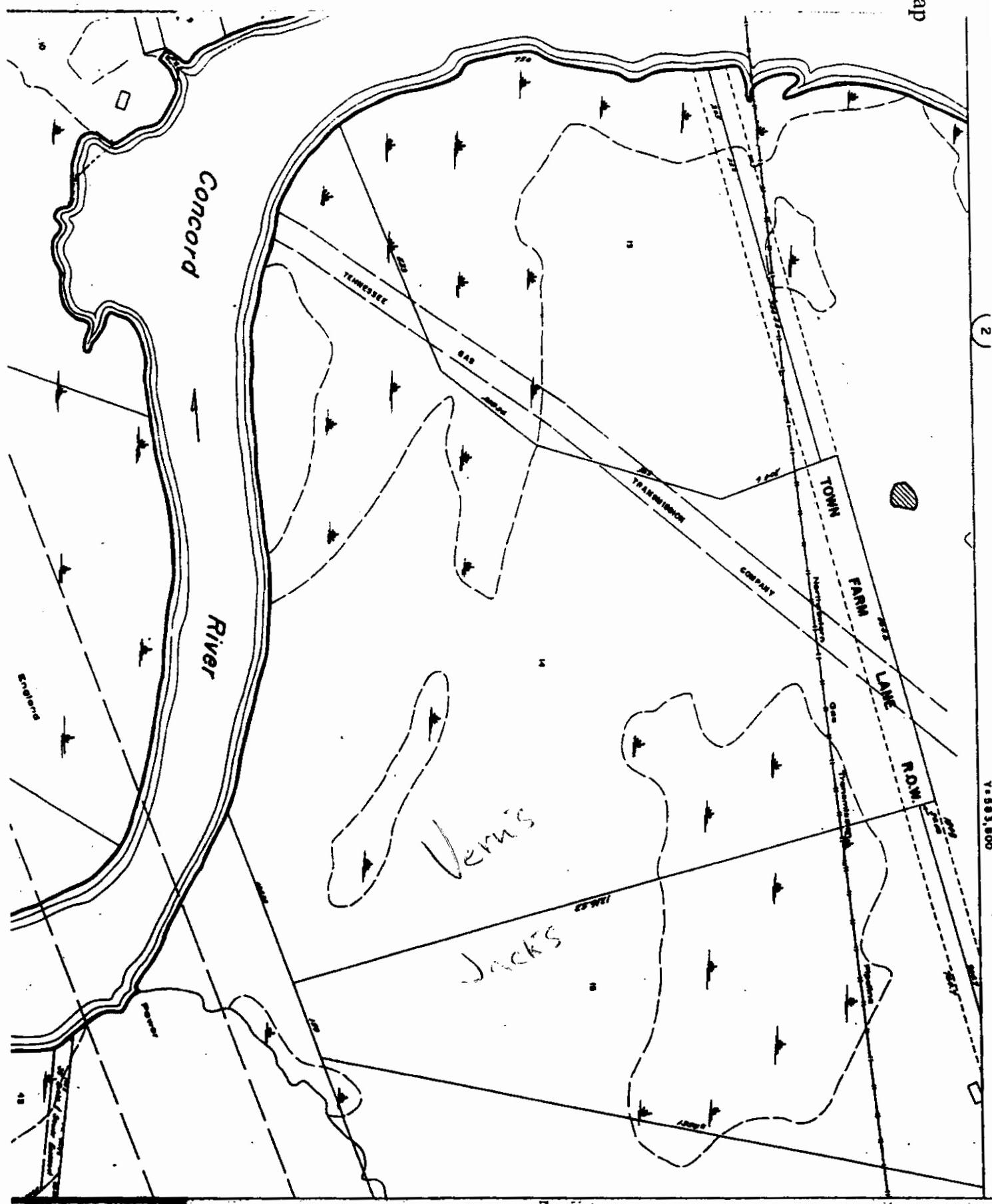
Thomas P Billings, Justice

Edward J. Sullivan
Clerk of Courts

BY:

Michael Brennan
Assistant Clerk

e: 978-453-0201



Commonwealth of Massachusetts
 Middlesex Superior Court
 360 Gorham Street
 Lowell, Ma 01852

Civil Docket #MICV2002
 -01437

At this said time I would like to point out to this Honorable Court that it is in contempt unto itself. By not honoring it own policies and by not following guide lines set in place previous by Judge Sabin Lord Jan. 29th 1992 regarding the discarding of debris onto the Rotandi's Property thus mentioned now Vernon S Rivet property bought August of 1995. Which I might add ended the lawsuit the Rotundi's had with Vern's Auto Parts.

Now long comes Vernon S Rivet Jr too protect the Environment and the mention 100 year- flood plain. As stated on topographical map. Which was a important fact on in the dumping that went on in 1989 and to the present day dumping on this property in question.

In DEP file book 307090-P238 to P247, which it states all the guideline to follow. By town officials and this honorable court system. Let me take the time to point out page 241 Ref 48 quote: There shall be no stock piling of debris, fill , or excavated materials within 100 ft of a wet land unless specifically permitted by the Department. No debris, fill , or excavated materials shall be stock piled within the 100 years - flood plain unless specifically permitted by the Department.

And next Ref 49 Quote: At no time shall debris or other materials be buried or disposed of with in the 100 year- flood plain or with in 100 feet of wet land with the exception of fill specifically permitted in this superseding order.

This whole intive file has to do with the map 005 lot 0014 and being a portion of the premises conveyed onto Vernon S Rivet by deed recorded in book 2650 page 428.

Jacks Auto Parts a severely violated the terms and conditions that have never been resolved in a court of law. The town and it official condone this action by overseeing that he is permitted to junk license to run a salvage yard onto the 100 year- flood plain. And has seriouly encrouched on lot 0014 as to take timber which has value and too use the land to dump debris without owners consent and with Billerica Police Escort which I reported to State Police Concord Barracks and Billerica police July 31 2002.

Which now come to the burden of the proof of ownership by the estate of Vernon S Rivet.

May I also point out the fact that the Town of Billerica upon filing there Lawsuit Docked #MICV2002-02731 was not apporiate in filing the lawsuit which should have been filed against the estate and not the heirs of the estate.

Vernon S Rivet Sr. Which comes not too the burden of the proof of ownership. Papers filed in probate court Cambridge, Mass.

They targeted me Vernon S Rivet Jr who was trying to perform a cleanup of the property at lot 0013 . Where as the honorable court of Cambridge Superior Court States on Jan 3 of 2000 under the provision that one Peter Salucci do a cleanup. Court states its all cleaned up. Jan 23 2003 Lowell Superior Court tried again for the same debris on the ground that been there seen 1996 according to areil photo taken of site two photo's march 1995 and 2nd photo Jan 2001.

Which by close examination of photos shows the Town Farm Lane not accesiable to Lot 0014 & 0013, because of a bunch of disabled machines in roadway. Done by neighbor Peter

Foley and Son's. With Police and Town Official in town, Which now comes to mention of a R.I.C.O. act to oust me from business and do a clean-up that was court order. Again same time this gives them free reigh to dump debris on Lot 0014. Have informed all Enviromental Agencies and the Army Corps of Engineers and I get no results.

This picture is taken off the Internet and done a super imposed picture of property lines as an overlay to scale over picture of the property taken by satelite. Done by a certified Computer Teacher that works for the US Goverment. The Topographic is ther showing of Wetlands, but the Topographic map for the 100 year-Flood plain was to fuzzy to put on overlay. The map picture is very important I feel as evidence of Tresspass, willingly done by Jacks Auto Parts after my father has to do a clean up. On the Jan. 2000 Satelite photo you can see the right way blocked and over growth of weeds, and also the pile of tires mentioned in Town Law Suit MCV2002-02731 as stated something dumped that is new, which is not. With overlay of the Topographic Map clearly indicates Violation of Wetlands allowed by the Town of Billerica in the 100th year-floodplain. My father complained to Jack's Auto Parts paid one Al Potter too do so, and I have a notorized statement from him where I found him living in New Hampshire. Judge Billings denied the facts presented before him Jan. 23, 2003.

A handwritten signature in black ink, appearing to read "Vernon Rivot Jr". The signature is fluid and cursive, with a prominent upward stroke on the left side.

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(Domestic Mail Only; No Insurance Coverage Provided)**

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LEWELL MA 01852

Postage	\$ 0.60	UNITED STATES 0474
Certified Fee	2.30	E. ARLINGTON BR.
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		OCT 9 2004
Total Postage & Fees	\$ 2.90	Clerk: 2004

7003
2260 00004 20068 5016

Sent To:
COMMON WEAUTH OF MASS Attachee Supveir
Street, Apt. No.;
or PO Box No. 360 BORHAM ST
City, State, ZIP+4 Lowell 01852

PS Form 3800, June 2002. See Reverse for Instructions

S. 02474

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

BILLERICA MA 01821

Postage	\$ 0.60	UNITED STATES 0474
Certified Fee	2.30	E. ARLINGTON BR.
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		OCT 9 2004
Total Postage & Fees	\$ 2.90	Clerk: 2004

7003
2260 00004 20068 5016

Sent To:
JACUS AUTO PART
Street, Apt. No.;
or PO Box No. TOWN FARM ROAD
City, State, ZIP+4 BILLERICA MA 01821

PS Form 3800, June 2002. See Reverse for Instructions

S. 02474

Law: Complaint a. The presentation by
the plaintiff in a civil action, setting
forth the claim on which relief is sought
b. a formal charge, made under oath, of
the commission of a crime or other
such offense

OFFICE OF THE ATTORNEY GENERAL

Civil Rights Complaint Form

TOM REILLY
ATTORNEY GENERAL



Civil Rights Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200
(617) 727-4765 (TTY)

If, due to a disability, you seek an accommodation in filing
a complaint, please call 727-2200 or TTY 727-4765.

COMPLAINANT

Name Vernon S. Rivet Jr.
Address P.O. Box 69
N. Billerica, Ma
Phone # (home) _____
Work # (other) _____

COMPLAINT AGAINST

Name Town of Billerica and the
State of Massachusetts
Address _____
This is a R.I.C.O. Act.
Phone # _____
Relationship to you _____

NATURE OF COMPLAINT (please check)

- (1) Employment Discrimination
 (2) Housing Discrimination
 (3) Credit Discrimination
 (4) Harassment Intimidation Threats Coercion
 (5) Other Discrimination in the Form of A R.I.C.O. Act Done.

If you have checked any of the above, please indicate the basis of the civil rights violation or discrimination below (you may check more than one category):

Race National Origin Disability Religion Sexual Orientation Gender

Age Ethnicity Section 8 Status (Housing) Children (Housing)

Public Assistance (Housing) Marital Status (Housing)

Retaliation for Filing a Complaint Other: Has Caused my disability

(6) Complaint Against Police Officer/Department Lat Detective Richard Howe
(City/Town)

(over)

This picture is taken off the Internet it is much clearer without the overlay of the topographic Map. But the Map I feel is very important in this case when the court failed to send out people to inspect the cleanup.

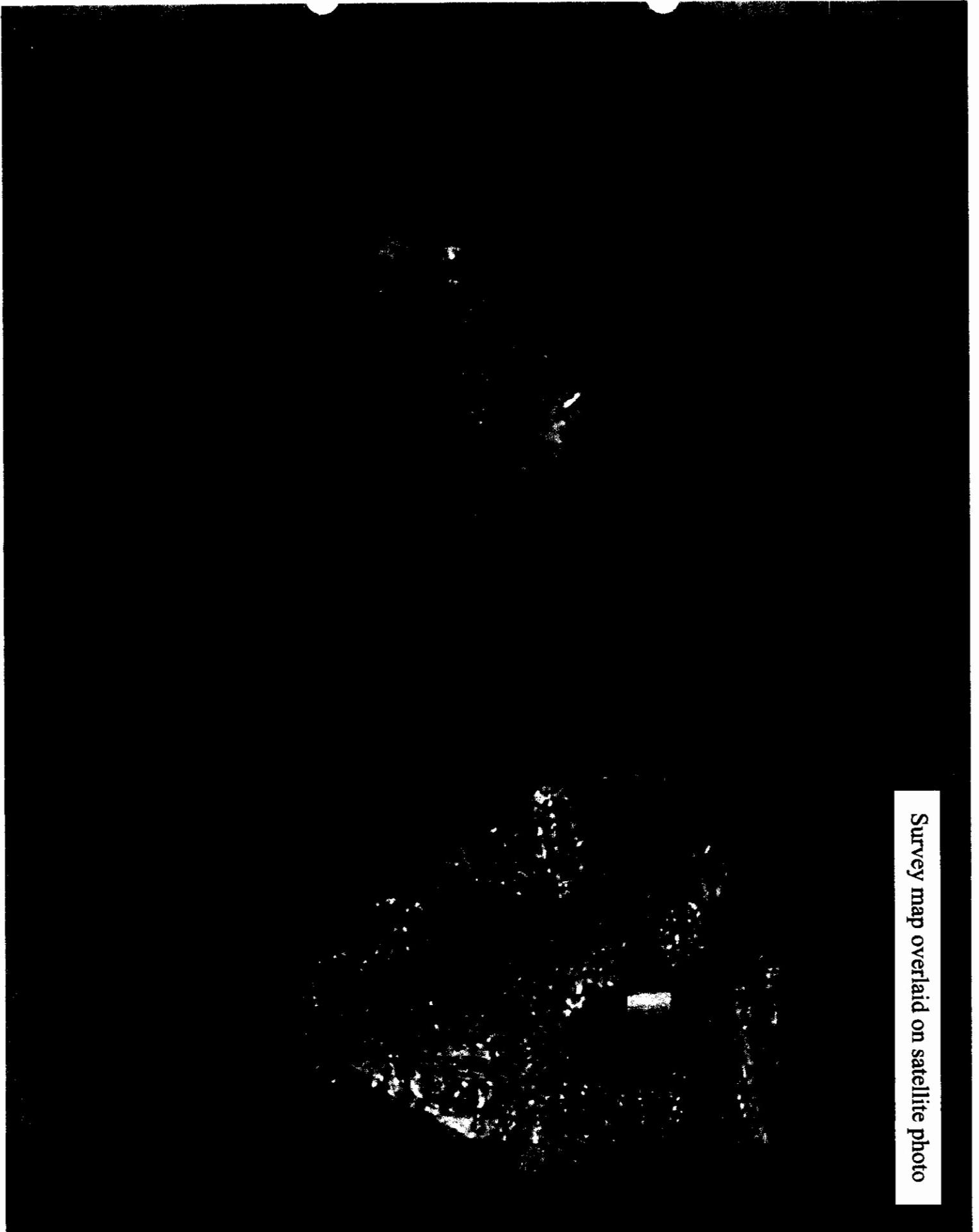
Not clearly shown but can be seen is the Blockade of Autos and Trucks. That Blocked Access from Aug 98 thru Oct 2001 3rd week thereof. Also Access Road shows over growth of Weeds on Right of Way.

With the overlay of the topographic Map Clearly Indicates Violation of Wetlands Allowed By the Town of Billerica.

Also Clearly shows that Jack's Auto Parts has been Trespassing and Utilizing the property in Question since 1996 and I want compensation for its use as is for whatever use he is using the land for. Which I believe to be of criminal intent of a Violation of Wetlands, and Flood Plain.

My father complained to Jack's in 1996 to remove all debris from said land and Jack's paid ~~too do so~~, and I have paper signed by him as proof of said Action and Notarized in New Hampshire were I found him.

Judge Billings denied the fact presented Before him Jan 23, 2002.



Survey map overlaid on satellite photo

Nicca

www.Terraserver.com
Photo Taken 11/1/2000



<http://terraserver.homeadvisor.msn.com> USGS Photo 3/29/1995

Town Farm Lane, North Billerica, Mass. About June 1998 - Satellite Photo Provided through Terraserver.com

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Vernon S Rivet Jr.
ProSe

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

DEFENDANTS Town of Billerica Board
of Health Conservation, Building
Department. Police P 2:54
Also Comm. of Mass.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Middlesex
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

05-11020WGY

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- | | |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | PTF | DEF | |
|-----------------------------------------|-------------------------------------|-------------------------------------|---------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. ORIGIN

- | | | | | | | |
|------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | Transferred from | <input type="checkbox"/> 6 Multidistrict Litigation | Appeal to District Judge from |
| | | | | <input type="checkbox"/> 5 another district (specify) | | <input type="checkbox"/> 7 Magistrate Judgment |

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury – Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury – Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 550 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 575 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 801 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 802 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 803 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 804 Energy Allocation Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 805 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 806 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 807 Constitutionality of State Statutes	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 808 Other Statutory Actions	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 700 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 711 Empl. Ret. Inc. Security Act	
			<input type="checkbox"/> 712 IRS – Third Party 28 USC 7808	

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

RICO Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

150 ML

CHECK YES only if demanded in complaint:

YES NO

VIII. RELATED CASE(S) (See instructions:
IF ANY)

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULY 26 2005
U.S. DISTRICT COURT
MASSACHUSETTS

11620 WGY

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) _____

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

it has YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)
ATTORNEY'S NAME _____
ADDRESS _____
TELEPHONE NO. _____